

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1413 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
  2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

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ANILKUMAR C SHAH

Versus

GUJARAT INDUSTRIAL DEVELOPMENT

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Appearance:

MR PB MAJMUDAR for Petitioner  
M/S TRIVEDI & GUPTA for Respondent No. 1

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CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 23/02/98

ORAL JUDGEMENT

1. The original petitioner ( who has expired during the pendency of the petition) had applied for allotment of a plot in the Electronics Estate at Gandhinagar. A plot came to be allotted by letter dated 26th August 1987.However, there was some doubt or dispute about the payment of interest and the rate and the petitioner had made a representation. However,his representation was not accepted and he was informed that as he had failed to pay the interest, the application regarding allotment of plot and the offer of allotment of plot by the GIDC were treated as closed and that the amount paid by the

petitioner would be refunded according to rules. However, neither the plot is given nor the amount is refunded.

2. By way of this petition, the petitioner has prayed that the respondent Corporation be directed to allot the plot in Gandhinagar Electronics Estate at the rate of Rs. 70/- per sq.mts. without charging any interest.

3. As the original petitioner has expired, this prayer for allotment of plot is not pressed. The only request made is that the amount of Rs. 43,988/- which has been paid by the petitioner be directed to be refunded by the respondent Corporation with interest.

4. There is no reason why this amount should not be refunded. The respondent Corporation is, therefore, directed to refund this amount of Rs. 43,988/- with interest at the rate of 10% p.a. with effect from 1.1.1987, till the date of payment. The respondent-Corporation is directed to see that this full amount of principal and interest is paid to the petitioner's widow on or before 15th April 1998.

Rule is made absolute accordingly. Direct Service.

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mhs/-